

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BRENDA J. BURNETT,
Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,
Defendant.

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CIVIL ACTION No. 6:15-cv-75

ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff Brenda J. Burnett initiated this civil action pursuant to Social Security Act, Section 205(g) for judicial review of the Commissioner's denial of Plaintiff's application for Social Security benefits. The case was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the decision of the Commissioner should be affirmed and the action dismissed with prejudice.

The Report and Recommendation of the Magistrate Judge (Doc. No. 15), which contains his findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. Plaintiff has filed an objection to the Report and Recommendation (Doc. No. 16). Specifically, Plaintiff objects to Judge Love's finding that, "the ALJ did not err in dismissing opinions by treating physicians that concluded Plaintiff is disabled because the ALJ found those opinions amounted to legal conclusions reserved to the Commissioner." *Id.* Plaintiff reasserts an excerpt from her Reply Brief arguing that the ALJ's determination regarding whether Plaintiff was disabled was contradicted by the Plaintiff's treatment records from Dr. Browne. *Id.* A review of the transcript reveals this is not the case. Moreover, Judge Love specifically considered this argument in his recommendation. (Doc. No. 15, at 7–8.) Judge

Love correctly found that the ALJ applied the correct legal standard by looking at Plaintiff's objective medical opinions and treatment records. *Id.* at 7. Judge Love correctly found that substantial evidence supports the ALJ's determination that Dr. Browne's treatment records do not support a finding of disability. *Id.* at 7–8. Accordingly, the Court agrees with the Magistrate Judge's finding that the ALJ did not err in his consideration of treatment records of Dr. Browne.

Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the decision of the Commissioner is **AFFIRMED** and the complaint is hereby **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this 20 day of **July, 2016**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge